

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRANDON M. BRACKETT,

Plaintiff,

vs.

JODY HORNER, DAVE GILLESPIE,
BODE HILL, MERRITT NELSON,
JODI BENJAMIN, and MIDLAND
UNIVERSITY,

Defendants.

8:21CV241

**MEMORANDUM
AND ORDER**

Plaintiff, a non-prisoner, has been given leave to proceed in forma pauperis. (Filing 6.) After initial review of Plaintiff's Complaint to determine whether summary dismissal was appropriate under 28 U.S.C. § 1915(e)(2), the court decided that (1) Plaintiff failed to state a plausible sex-discrimination claim under Title VII, 42 U.S.C. §§ 2000e, *et seq.*, because Plaintiff alleged no facts indicating reverse discrimination—that is, that Plaintiff's former employer was the “unusual employer who discriminated against the majority” and was “inclined to discriminate invidiously against males” (Filing 7 at CM/ECF pp. 2-3); and (2) Plaintiff failed to state a discrimination claim based on uniformed service under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4301, *et seq.*, because Plaintiff failed to allege facts from which it could plausibly be inferred that his military status was considered in the decision to terminate his employment, that Plaintiff's employer demonstrated anti-veteran bias, or indicating the temporal proximity between his military service and his termination. (Filing 7 at CM/ECF pp. 5-6.)

The court allowed Plaintiff to file an amended complaint to state a claim upon which relief may be granted. (Filing 7 at CM/ECF p. 6.) Plaintiff has filed an

Amended Complaint (Filing 8), but he has failed to allege any of the facts the court discussed in its initial review as being necessary to state a plausible claim for relief for sex discrimination or discrimination on the basis of uniformed service. Accordingly,

IT IS ORDERED:

1. Because Plaintiff's Complaint and Amended Complaint fail to state plausible claims for relief for sex discrimination under Title VII, 42 U.S.C. §§ 2000e, *et seq.*, and for discrimination on the basis of uniformed service under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4301, *et seq.*, such claims are dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).

2. Judgment will be entered by separate document.

DATED this 18th day of May, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge